

MINUTES

LEGISLATIVE GOVERNMENT OVERSIGHT COMMITTEE

October 31 & November 1, 2005

The Legislative Government Oversight Committee met October 31 & November 1, 2005, in Room 116 at the Capitol. Co-Chairperson, Senator Ron Wieck, called the meeting to order at 11:05 a.m. Other members present were:

Senator Tom Courtney, Co-chair
Senator Michael Connolly
Senator Mary Lundby

Representative Dwayne Alons, Chair
Representative, Joe Hutter, VC
Representative Vicki Lensing, RM
Representative Clel Baudler
Representative George Eichhorn
Representative Scott Raecker
Representative Roger Thomas
Representative Wes Whitead
Representative Cindy Winckler

The Legislative Government Oversight Committee met October 31, 2005, in Senate Room 22 at the Capitol. Co- Chairperson Senator Ron Wieck, called the meeting to order at 11:12 a.m.

Other members present were: List Committee members present. (Rep. Eichhorn was excused for the day)

OPEN RECORDS AND PRIVACY LEGISLATION

William Angrick, State Ombudsman discussed open records & privacy legislation. Mr. Angrick stated that progress has been made with State agencies to provide the public access to records deemed public, but that there are concerns about the availability or public access to private information via the Internet such as Social Security numbers. He suggested the need for legislation to help control access to this and other types of personal information.

VETERANS ISSUES

The Committee heard testimony from several presenters regarding issues impacting military veterans returning from current military service and previous military service. Representative Jodi Tymeson initiated the request for Committee review asking that several items be discussed and information be provided for the meeting. The veterans' topics included:

- **Home Ownership Assistance Program** – Dennis Dietz, Iowa Finance Authority, explained the program to assist service members with home purchases.
- **Job Placement Benefits and Career Transition Program** – Tony Dietch, Iowa Workforce Development, and Tony Smithhart, U.S. Department of Labor, provided an overview of efforts to assist veterans in obtaining or returning to employment. Veterans have reemployment rights and are receiving information about their rights prior to and at termination of their tour of duty.

- **Veterans Cemetery Update** – Mollie Anderson, Director, Department of Administrative Services, updated the status of the proposed cemetery to be located in Van Meter, Iowa, the scope of the project and the \$ 7.0 million funding to come from the U.S. Department of Veterans Affairs. The annual ongoing maintenance cost estimate of \$300,000 to \$350,000 will come from State General Fund, fees, and other possible funding sources. No specific completion date has been determined.
- **Veterans' Trust Fund** – Patrick Palmersheim, Iowa Department of Veteran Affairs (IDVA), stated that \$1.0 million has been deposited in the Fund. The allowable cap for the Fund is \$50.0 million. By-laws and rules have been developed and are currently being reviewed by the Attorney General's Office. Mr. Palmersheim mentioned that a Development Director may be needed to help the Fund reach its funding cap.
- **Department of Veterans Affairs (DVA) Expenditures** – Sue Lerdal, LSA and Diane Steiner, Iowa Veterans Home, provided financial information relating to revenues and expenditures for the Department and the Iowa Veterans Home.
- **Comparison of Veterans' Benefits to other States** – John Derner, Adjutant, American Legion, Department of Iowa, provided a handout comparing available veterans' benefits of surrounding states with Iowa. Mr. Derner stated that service areas that should be increased or expanded included property tax exemptions and credits, education, war orphan benefit level, and full utilization of veteran license plate proceeds. He also stated that benefit levels differ among counties, which may account for veteran benefits levels in Iowa being low when compared with other states.
- **County Government Expenditures** – Sue Lerdal, LSA, distributed veterans' benefit expenditure information by Iowa counties.
- **DD 214 Forms** – Patrick Palmersheim, DVA, provided the Committee with statutory language that would exempt specific information regarding military personnel records from the public records requirements.
- **Pension Benefit Promotion Activities** – Patrick Palmersheim, DVA, and Tim Belay, Iowa Veterans Identification Project Coordinator, discussed the challenges to assure every eligible veteran and veteran's family, receive all the benefits available to them. Outreach to veterans and veterans' families has been intensified and still many qualified beneficiaries do not receive available services. These available services are federally funded.

ADJOURNED

Senator Wieck adjourned the meeting at 3:53 p.m.

November 1, 2005

Senator Wieck called the meeting to order at 9:06 a.m. Representative Eichhorn was present.

SENATE FILE 169 (2005 DRUG REGULATION ACT)

Ken Carter, Division of Narcotics Enforcement, Department of Public Safety, addressed the impact of recent legislation designed to combat the proliferation of Methamphetamine (meth) labs across the state. Mr. Carter characterized the results of the legislation as successful, indicating that there has been an approximately 80.0% reduction in meth lab reports thus far this year compared to 2004. Mr. Carter stated that this has freed up resources to pursue major drug trafficking enterprises, and has reduced the incidence of related child and spousal abuse

reports. He speculated that the number of lab reports may go down further with the impact of similar legislation in neighboring states. Mr. Carter also described the importation of a newer, more powerful version of meth commonly referred to as "ice" as a relatively new drug threat to Iowa.

PERMANENTLY MOORED VESSEL PROGRAM

Jeff Vonk, Director, Iowa Department of Natural Resources (DNR), presented the perspective of DNR regarding the procedures followed and outcome of a competitive bidding process for the selection of a program administrator for permanently moored vessel inspections. He reviewed the process used by DNR to inform interested parties regarding the development of rules relating to the inspection program, public comment relating to the parameters of the contract subject to competitive bidding, the weighted factors used for scoring the three bids submitted, and the rationale applied by the DNR used to select the successful bidder. Mr. Vonk stated that the DNR is taking steps to ensure that an administrative appeal procedure will be put into place.

A contrasting viewpoint was presented by Michael Baxter, U.S. Inland Marine Surveying, Inc. Mr. Baxter contended that he did not receive adequate notice of his options and opportunities for participation.

Senator James Hahn, expressed concern regarding the outcome of the process and the extent to which a preference for Iowa enterprises might not have been given appropriate consideration.

Members of the Committee stated concerns regarding the perception of conflict of interest in the awarding of the contract to potential bidders involved in the development of rules regarding the inspection program and the lack of administrative appeal availability at the time the contract was awarded. Concerns were also expressed regarding making the DNR or any other State agency responsible for administration of a program for which it had little prior experience or expertise. The Committee asked that LSA staff prepare a letter requesting an Attorney General's Opinion concerning the matter, before considering further actions.

RESTAURANT INSPECTIONS

Dean Lerner, Iowa Department of Inspections and Appeals (DIA), discussed recent decisions by Polk and Jasper counties to discontinue contracting with DIA to conduct restaurant inspections. DIA has the responsibility for the inspections and this decision requires DIA to find other contractors or to do the inspections with State staff. The DIA indicated that on average only one inspection is being conducted per year, rather than the required two inspections.

Mr. Lerner identified insufficient inspection fees as the primary reason for the counties decision, and stated that inspection fees vary from \$50.00 to \$125.00 depending on the gross sales volume of each restaurant. The fees are paid by the restaurants and are established by State statute and have not increased for several years. He suggested that doubling the current inspection fee levels would be necessary to keep counties as contractors to do inspections. Mr. Lerner also called for legislative adoption of the most recent version of the Model Food Code to enhance the ability of the DIA to coordinate an education program for restaurant management personnel.

NEXT MEETING

The next Government Oversight Committee meeting is scheduled for December 14 and 15, 2005 in Room 116, State Capitol Building.